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DATE 4/14/2004

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FROM

Name

tel

Mark A. Stirrat

Reg. No. 50,756

949 567 6700

TO

Name

company/firm

tel

Fax

Dept. of OIPE

703 872 9306

RE

S/N 10/046,416

Inventor: Telkamp

Title: 1 x N or N x 1 Optical Switch Having a Plurality of Movable Light Guiding Microstructures

MESSAGE

Our Ref. No. 703427.6

On January 14, 2004, we filed a Petition for Withdrawal of Notice of Abandonment Under 37 CFR §1.181(a). We spoke with Ms. Alicia Brown, senior attorney, in the Petitions office this morning concerning this application. Ms. Brown informed us that this Petition has not yet been received in her office, and advised us to resend the Petition via facsimile.

Accordingly, attached is a copy of the Petition and exhibits as filed on January 14, 2004, as well as a copy of the stamped return postcard. We would appreciate it if you would take the necessary steps to process this Petition in a timely manner.

C-M-A

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL KAREN JOHNSON AT 949 567 6700 AS SOON AS POSSIBLE.

notice to recipient

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED TO BE SENT ONLY TO THE STATED ADDRESSEE OF THE TRANSMISSION. IT MAY BE PROTECTED FROM UNAUTHORIZED USE OR DISSEMINATION BY THE ATTORNEY-CLIENT PRIVILEGE, THE ATTORNEY WORK-PRODUCT DOCTRINE, OR ANY OTHER APPLICABLE PRIVILEGE. IF YOU ARE NOT THE STATED ADDRESSEE, YOUR RECEIPT OF THIS TRANSMISSION WAS UNINTENDED AND INADVERTENT, AND YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, USE, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. YOU ARE ALSO ASKED TO NOTIFY US IMMEDIATELY BY TELEPHONE AND TO RETURN THE ORIGINAL DOCUMENT TO US IMMEDIATELY BY MAIL AT THE ADDRESS ABOVE. THANK YOU IN ADVANCE FOR YOUR COOPERATION.

DOCSOC1:1441161

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact the undersigned.

Best regards,



Mark Stirrat
Reg. No. 50,576

ORRICK, HERRINGTON & SUTCLIFFE LLP
4 PARK PLAZA, SUITE 1600
IRVINE, CALIFORNIA 92614-2558
tel 949-567-6700
fax 949-567 6710

notice to recipient

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DOCSOC1:144116.1

1/28/04
DMR

PATENT

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date Stamp and returning this card to our office.

Docket No. 703427.6 Client Name Newport Opticom - Telkamp et al.
Title 1 x N OR N x 1 OPTICAL SWITCH HAVING A PLURALITY OF MOVABLE LIGHT GUIDING MICROSTRUCTURES

Appl. No. 10/046,416 Filing Date 10/19/2001
Priority Appl. No. NA Priority Filing Date NA JAN 20 2004
Attorney MS:kj Type of Priority Claimed NA
Date of Deposit 1/14/2004 Express Mail Label No.: NA

Enclosures:

1. Petition for withdrawal of notice of abandonment w/ EXHIBIT D (22 pages)
2. Return Postcard

CMA
1/28/04

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APR 14 2004
Docket No. 703427.6

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/046,416	Confirmation No.:	3295
Applicant	:	Arthur R. Telkamp et al.		
Filing Date	:	10/19/2001		
Title	:	1 X N OR N X 1 OPTICAL SWITCH HAVING A PLURALITY OF MOVABLE LIGHT GUIDING MICROSTRUCTURES		
Group Art Unit	:	Not Assigned		
Examiner	:	Not Assigned		
Docket No.	:	703427.6		
Customer No.	:	34313		

PETITION FOR WITHDRAWAL OF NOTICE OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)

MAIL STOP OFFICE OF PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition under 37 C.F.R. § 1.181(a) that the Notice of Abandonment for the above-referenced application be withdrawn, and that the application proceed to issuance on the grounds that the reply to the Notice of Missing Parts was timely filed by the Applicants and received by the Patent Office.

The Notice of Abandonment, mailed on 12/29/2003, a copy of which is attached as Exhibit "A," states that the application became abandoned due to the Applicants' failure to reply to the Notice to File Missing Parts ("Notice") mailed on 4/5/2002. The Notice required

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I have reasonable basis to expect that this paper (along with any referred to as being attached or enclosed) would be mailed from the United States Postal Service on the date indicated with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231

Date: January 14, 2004

Karen Johnson
Name of Person Signing Document

Docket No. 703427.6

Applicants to submit both a declaration pursuant to 37 CFR § 1.63 and substitute drawings. The declaration and substitute drawings were submitted in reply by June 5, 2002. A copy of the return postcard, indicating that the full reply was received by the Patent Office on June 11, 2002, is enclosed as Exhibit "B." Copies of the transmittal and accompanying documents, which include the declaration and substitute drawings at issue, are attached as Exhibit "C." The transmittal indicates that the declaration and substitute drawings were attached, and also indicates that the reply was mailed by June 5, 2003.

The reply also included an assignment as indicated on the return postcard (Exhibit B) and transmittal (Exhibit C). A Notice of Recordation of Assignment, indicating receipt and recordation of the assignment by the Patent Office on June 11, 2003, is enclosed as Exhibit "D." This Notice of Recordation is further proof, in addition to the return postcard and transmittal, that the reply to the Notice of Missing Parts was received by the Patent Office on June 11, 2003.

Petition Fee

Applicants believe that no fee is due because this is a PTO error. If Applicants are incorrect in this regard, the Commissioner is authorized to charge Orrick, Herrington & Sutcliffe's Deposit Account No. 150665 for any petition fee due.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP



Date: January 14, 2004

By

Mark Stirrat, Reg. No. 50,756
Attorney for Applicants

4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
949/567-6700 Telephone
949/567-6710 Facsimile

04/14/2004 11:32 FAX 9495676710

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PAGE 6/29 * RCVD AT 4/14/2004 2:31:31 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/4 * DNIS:8729306 * CSID:9495676710 * DURATION (mm:ss):07-04 HX3



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/046,416	10/19/2001	Arthur R. Telkamp	703427.6

CONFIRMATION NO. 3295
ABANDONMENT/TERMINATION LETTER



OC000000011568556

34313
 ORRICK, HERRINGTON & SUTCLIFFE, LLP
 4 PARK PLAZA
 SUITE 1600
 IRVINE, CA 92614-2558

Date Mailed: 12/29/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/05/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

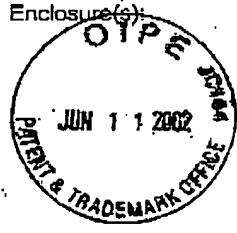
2687001
T.O.

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Applicant: Arthur R. Telkamp et al.
Serial No.: 10/046,416
For: 1 X N OR N X 1 OPTICAL SWITCH HAVING A PLURALITY OF MOVABLE LIGHT GUIDING MICROSTRUCTURES
Filed: October 19, 2001

TRANSMITTAL OF MISSING PARTS

Attorney(s): David E. Wang
Docket No.: 268/001
Date of Deposit: June 5, 2002 via FIRST CLASS MAIL
Enclosure(s): Transmittal of Missing Parts; Declaration; Assignment with Recordation Form Cover Sheet; Power of Attorney; copy of Notice to File Missing Parts; Substitute Drawings (20 sheets); Return postcard



04/14/2004 11:32 FAX 9495676710

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PAGE 10/29 * RCVD AT 4/14/2004 2:31:31 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/4 * DNIS:8729306 * CSID:9495676710 * DURATION (mm:ss):07-04
EXHIBIT C

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011

APR 14 2004

OFFICIAL

Patent
Attorney Docket: 268/001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:) Group Art Unit: Not Assigned
 Inventor: Arthur R. Telkamp et al.) Examiner: Not Assigned
 Serial No.: 10/046,416)
 Filed: October 19, 2001)
 For: 1 X N OR N X 1 OPTICAL SWITCH)
 HAVING A PLURALITY OF MOVABLE)
LIGHT GUIDING MICROSTRUCTURES)

TRANSMITTAL OF MISSING PARTS

Box Missing Parts
 Commissioner for Patents
 Washington, D.C. 20231

Sir:

I. DOCUMENTS ENCLOSED:

In response to the NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER 37 CFR § 1.53(f), which was mailed by the Patent Office on April 5, 2002, enclosed are:

- Declaration
- Power of Attorney: Separate or Combined with Declaration
- Assignment of the invention to Newport Opticom, Inc. (together with PTO Form 1595)
- A copy of the Notice to File Missing Parts of Application under 37 CFR § 1.53(f)
- Substitute drawings as required 37 CFR § 1.84

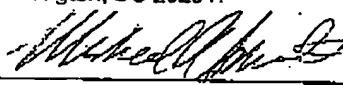
If any extension fee is required, please consider this a petition therefor.

OC-111472.1

CERTIFICATE OF MAILING (37 C.F.R. § 1.8)

I hereby certify that I have a reasonable basis to expect that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, Washington, DC 20231.

Date of Deposit: June 4, 2002


Micheal A. Smith

Patent
Attorney Docket: 268/001

II. FILING FEES

- Applicant claims small entity status pursuant to 37 CFR 1.27.

BASIC FILING FEE:						\$0.00	
Total Claims	109	-	109	=	0	x \$18.00	\$0.00
Independent Claims	6	-	6	=	0	x \$84.00	\$0.00
Multiple Dependent Claims	\$280	(if applicable)			<input type="checkbox"/>		\$0.00
Surcharge 37 CFR § 1.16(e)	\$130	(if applicable)			<input checked="" type="checkbox"/>		\$130.00
TOTAL OF ABOVE CALCULATIONS							\$130.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28.					<input checked="" type="checkbox"/>		\$65.00
Extension of Time (from above)							\$0.00
Assignment - \$40 (if applicable)					<input checked="" type="checkbox"/>		\$40.00
TOTAL FEES SUBMITTED HEREWITH							\$105.00

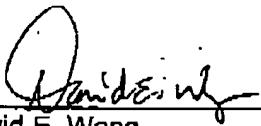
III. METHOD OF PAYMENT OF FEES:

- A check in the amount of _____ is enclosed to cover the above fee(s).
- Charge Lyon & Lyon's Deposit Account No. 12-2475 in the amount of \$105.00.
- The Commissioner is authorized to charge Lyon & Lyon's Deposit Account No. 12-2475 for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. 12-2475.

Respectfully submitted,

LYON & LYON LLP

By:


David E. Wang
Reg. No. 38,358

Dated: June 5, 2002



22249

PATENT TRADEMARK OFFICE

LYON & LYON LLP
Suite 4700
633 W. Fifth Street
Los Angeles, CA 90071
(213) 489-1600

Lyon & Lyon LLP
Docket Information
268/001

**DECLARATION
Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled 1 X N OR N X 1 OPTICAL SWITCH HAVING A PLURALITY OF MOVABLE LIGHT GUIDING MICROSTRUCTURES the specification of which

(Check One)

is attached hereto OR
was filed on October 19, 2001 as United States Application Serial No. 10/046,4165 or PCT International Application No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

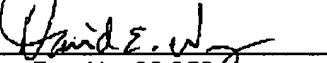
U.S. Parent-Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

Lyon & Lyon LLP
Docket Information
268/001

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Arthur	MIDDLE Initial R.	LAST Name Telkamp
	RESIDENCE & CITIZENSHIP	City Irvine	State or Foreign Country California	Country of Citizenship United States
	POST OFFICE ADDRESS	3691 Fenn Street	City Irvine	State or Country California Zip Code 92614
INVENTOR'S SIGNATURE <i>Arthur R. Telkamp</i>			DATE 8 MAY 02	

202	FULL NAME OF INVENTOR	FIRST Name Ying	MIDDLE Initial Wen	LAST Name Hsu
	RESIDENCE & CITIZENSHIP	City Huntington Beach	State or Foreign Country California	Country of Citizenship United States
	POST OFFICE ADDRESS	6455 Frampton Circle	City Huntington Beach	State or Country California Zip Code 92648
INVENTOR'S SIGNATURE <i>Ying Wu</i>			DATE 5/8/02	

FORM PTO-1505 1-31-92	RECORDATION FORM COVER SHEET PATENTS ONLY		U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office
Docket No. 268/001	To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.		
1. Name of conveying party(ies): Arthur R. Telkamp and Ying Wen Hsu Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		2. Name and address of receiving party: Name: <u>Newport Opticom, Inc.</u> Internal Address: _____ City: _____ State: _____ Zip: _____ Street Address: <u>4910 Birch Street</u> City: <u>Newport Beach</u> State: <u>California</u> Zip: <u>92660</u> Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: <u>May 8, 2002</u>			
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: A. Patent Application No(s).: <u>10/046,416</u> B. Patent No(s).: Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>David E. Wang, Esq.</u> Internal Address: LYON & LYON LLP 633 West Fifth Street, Suite 4700 Los Angeles, CA 90071-2066		6. Total number of applications and patents involved: <u>One</u> 7. Total fee (37 CFR 3.41): <u>\$ 40.00</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Charge this Deposit Account if any additional fee is required 8. Deposit Account Number: <u>12-2475</u>	
DO NOT USE THIS SPACE			
9. Statement and signature: To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.  Date: <u>June 5, 2002</u> David E. Wang, Reg No. 38,358			
Total number of pages Including cover sheet: <u>Three</u>			
OMB No. 0651-0011 (exp. 4/94)			
Do not detach this portion Mail documents to be recorded with required cover sheet information to: Director — U.S. Patent and Trademark Office Box Assignments Washington, D.C. 20231			
Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project, (0651-0011), Washington, D.C. 20503			

Patent
Attorney Docket: 268/001

ASSIGNMENT OF PATENT APPLICATION

WHEREAS, WE, ARTHUR R. TELKAMP, a citizen of UNITED STATES, and YING WEN HSU, a citizen of UNITED STATES (hereinafter referred to as "ASSIGNORS"), have invented a certain invention entitled 1 X N OR N X 1 OPTICAL SWITCH HAVING A PLURALITY OF MOVABLE LIGHT GUIDING MICROSTRUCTURES for which application for Letters Patent of the United States of America has been filed on October 19, 2001, assigned Serial No. 10/046,416; and

WHEREAS, NEWPORT OPTICOM, INC., a corporation organized and existing under and by virtue of the laws of the Delaware and having its principal place of business at 4910 Birch Street, Newport Beach, California 92660 (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the exclusive right, title and interest in, to and under said invention and in, to and under any Patent or similar legal protection to be obtained therefor in the United States of America, its territorial possessions and in any and all countries foreign thereto.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign, transfer and set over unto the said ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest to said invention and to all Letters Patent or application or similar legal protection, not only in the United States and its territorial possessions, but in all countries foreign thereto to be obtained for said invention by said application, and to any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in the United States or a foreign country for the full term or terms for which the same may be granted, including all priority rights under the International Convention; and ASSIGNORS hereby authorize and request the United States Commissioner of Patents and

Patent
Attorney Docket: 268/001

Trademarks and any officials of foreign countries whose duty it is to issue patents or any legal equivalent thereof to said ASSIGNEE, its successors and assigns, in accordance with this Assignment.

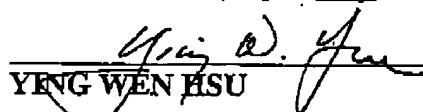
ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Agreement;

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents in the United States or in any foreign country, which may be necessary or desirable to carry out the purposes thereof.

WITNESS my hand at Newport Beach, California, this 8th day of May, 2002.


ARTHUR R. TELKAMP

WITNESS my hand at Newport Beach, California, this 8th day of May, 2002.


YENG WEN HSU



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/046,416	10/19/2001	Arthur R. Telkamp	268/001

22249
LYON & LYON LLP
633 WEST FIFTH STREET
SUITE 4700
LOS ANGELES, CA 90071

CONFIRMATION NO. 3295
FORMALITIES LETTER



OC000000007800105

Date Mailed: 04/05/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:

- drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- Drawings must be reasonably free from erasures and must be free from alterations, overwritings, interlineations, folds, and copy marks.

A copy of this notice MUST be returned with the reply.

Page 2 of 2


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Patent
268/001

POWER OF ATTORNEY
By Assignee

Newport Opticom, Inc., assignee(s) of the application for United States Letters Patent for an improvement in

1 X N OR N X 1 OPTICAL SWITCH HAVING A PLURALITY
OF MOVABLE LIGHT GUIDING MICROSTRUCTURES
by Arthur R. Telkamp, et al.

the specification of which:

- is filed herewith, OR
 was filed on October 19, 2001, having U.S. Patent Application Serial No. 10/046,416,

does hereby appoint as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefor before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified application, all of the registered practitioners identified by Customer Number 22249:



22249

PATENT TRADEMARK OFFICE

LYON & LYON LLP
Suite 4700
633 W. Fifth Street
Los Angeles, CA 90071
(949) 567-2300

Please send all inquiries to DAVID E. WANG; at the above Customer Number.

I, the undersigned, declare that I have reviewed copies of the documentary evidence establishing chain of title to the patent application identified above from the inventor(s) to the assignee(s), which:

- is filed for recordation herewith; or
 was recorded at Reel _____, Frame _____; or
 has been sent for recordation under separate cover, copy attached herewith.

To the best of the undersigned's knowledge and belief, title is in the assignee(s) identified above. Furthermore, the undersigned is empowered to sign this document on behalf of the assignee(s).

Full Name of Assignee: Newport Opticom, Inc.	
Post Office Address: 4910 Birch Street, Newport Beach, California 92660	
Signature of Declarant or Assignee: 	Date: 5/8/02
Full Name of Declarant If Other Than Assignee: Ying Wen Hsu	
Title of Declarant: President	
Address of Declarant: 4910 Birch Street, Newport Beach, California 92660	

01/04

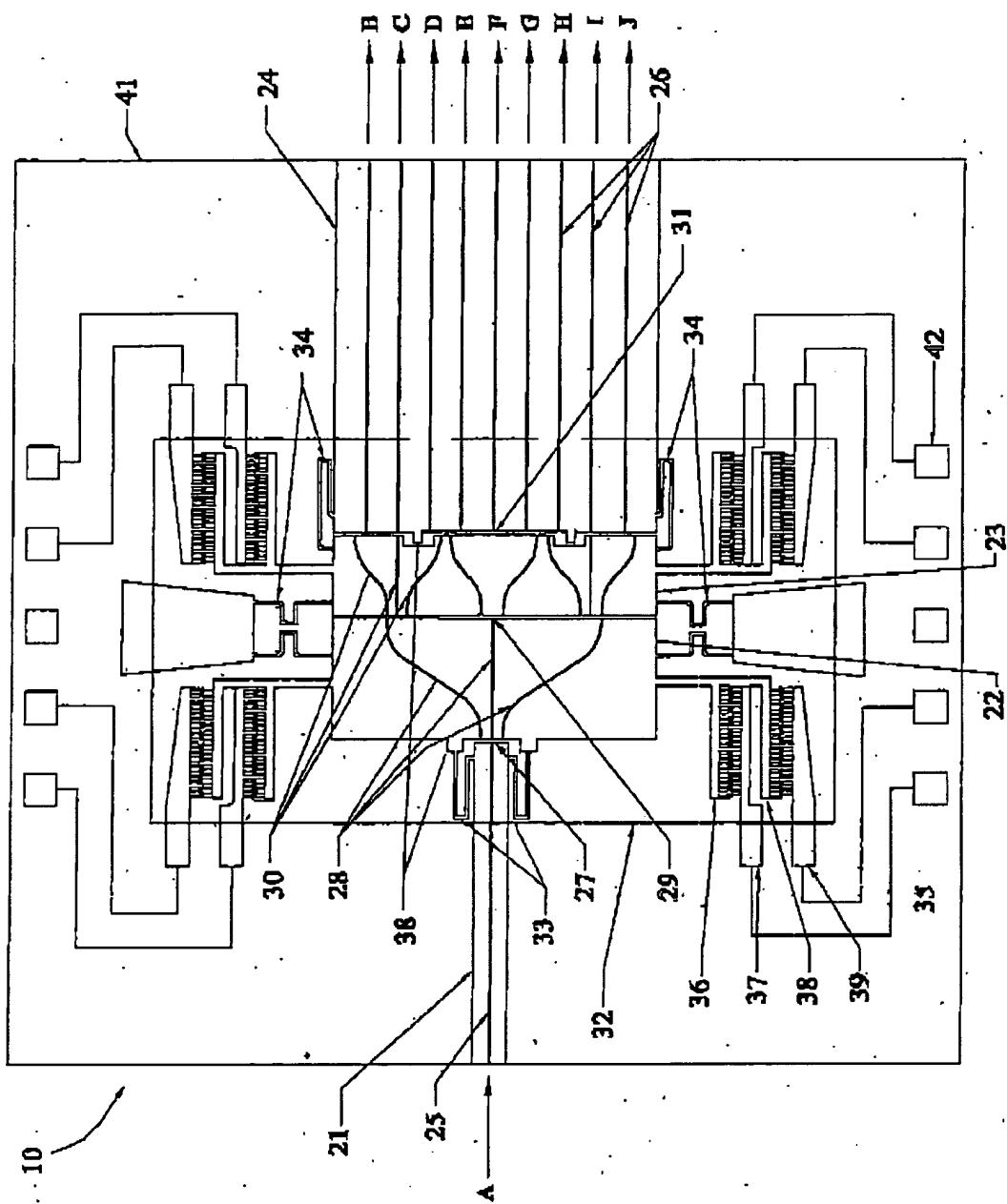


Fig. 1

02/04

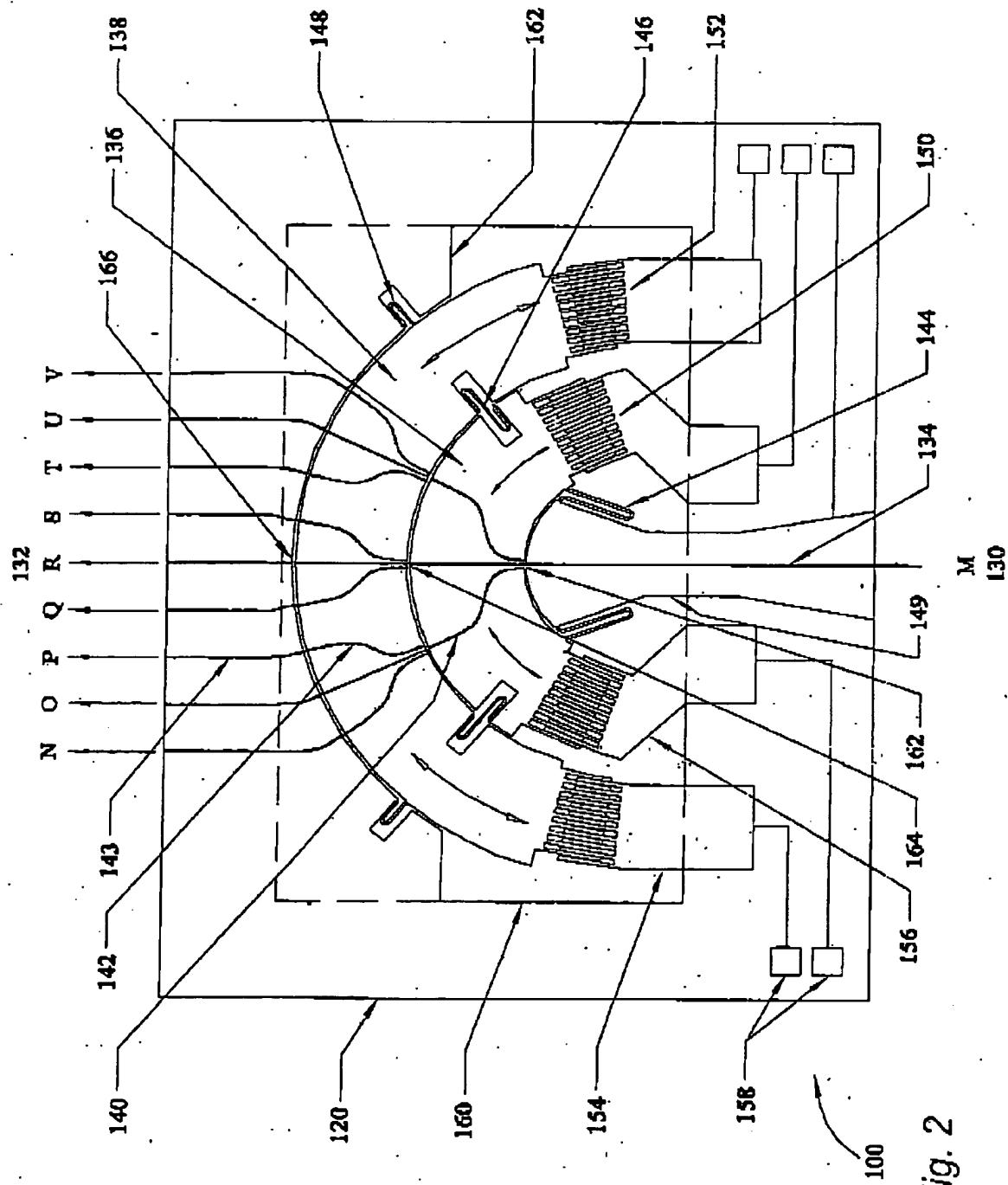


Fig. 2

03/04

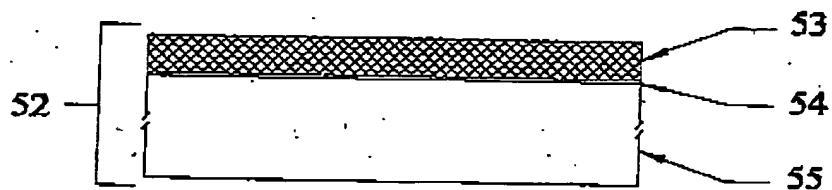


Fig. 3

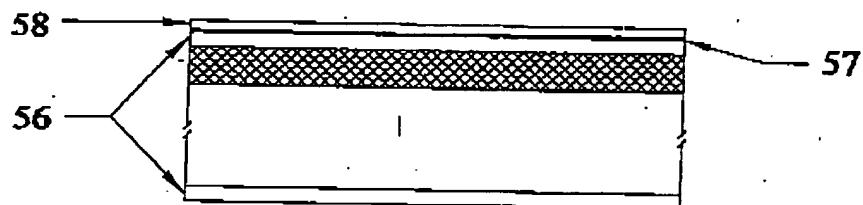


Fig. 4

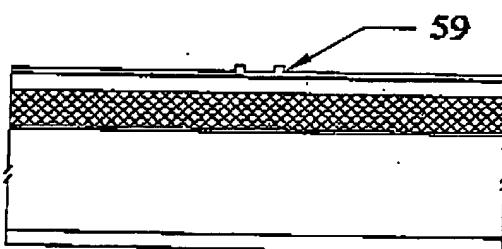


Fig. 5

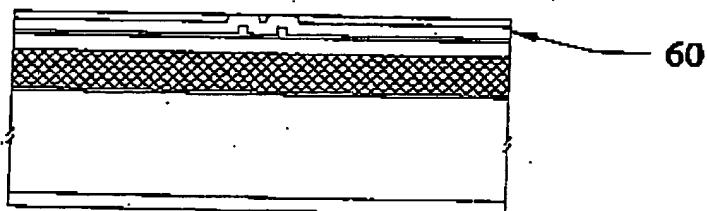


Fig. 6

04/04

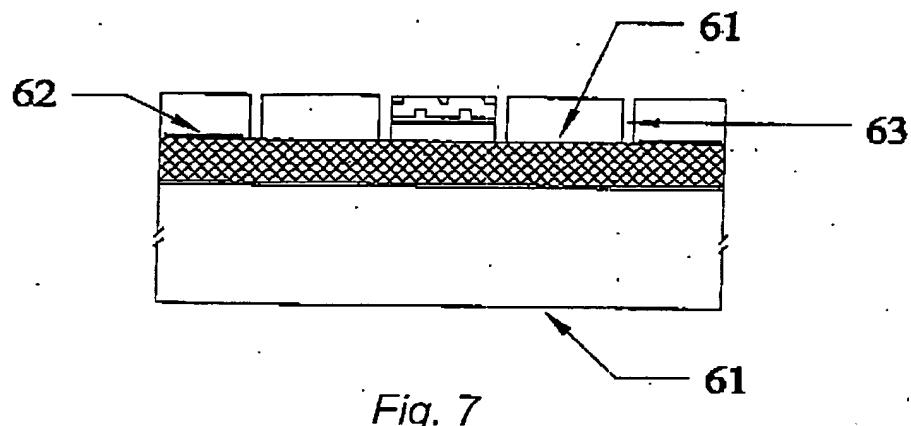


Fig. 7

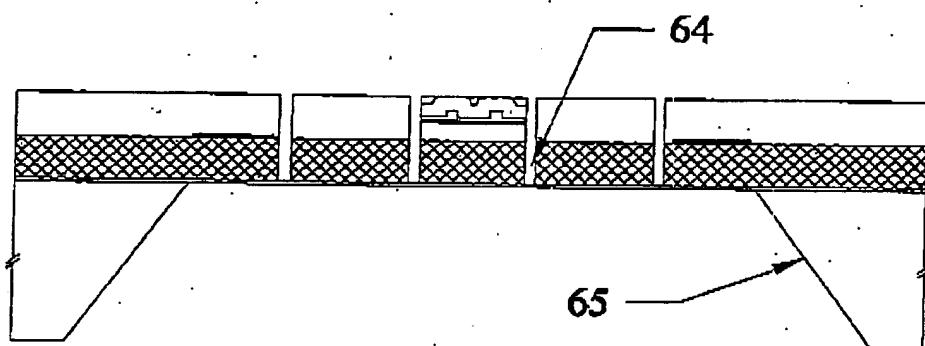


Fig. 8

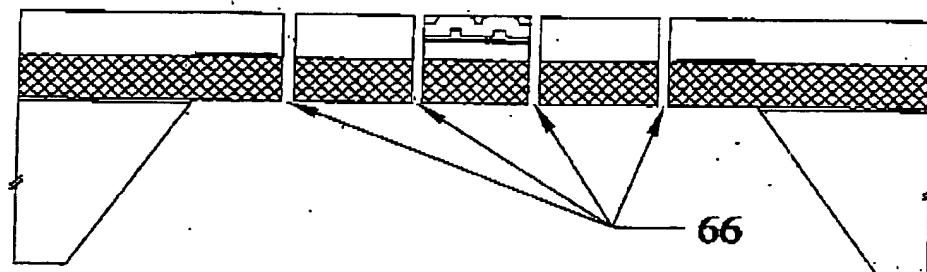
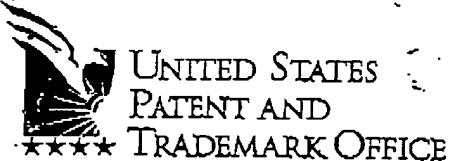


Fig. 9

EXHIBIT D

PAGE 25/29 * RCVD AT 4/14/2004 2:31:31 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/4 * DNIS:8729306 * CSID:9495676710 * DURATION (mm:ss):07-04



AUGUST 16, 2002

PTAS

LYON & LYON LLP
DAVID E. WANG, ESQ.
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RECORDATION DATE: 06/11/2002

REEL/FRAME: 012992/0891
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

TELKAMP, ARTHUR R.

DOC DATE: 05/08/2002

ASSIGNOR:

HSU, YING WEN

DOC DATE: 05/08/2002

ASSIGNEE:

NEWPORT OPTICOM, INC.
4910 BIRCH STREET
NEWPORT BEACH, CALIFORNIA 92660

SERIAL NUMBER: 10046416

FILING DATE: 10/19/2001
ISSUE DATE:

PATENT NUMBER:

SHARON BROOKS, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

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AUG 22 2002

U.S. PROSECUTION

FORM PTO-1595 1-31-92		JUN 11 2002	RECOR	06-20-2002	U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office <i>6-11-02</i>
Docket No. 268/002				102129949	Final documents or copy thereof.
To the Honorable Commissioner of Patents and:					
1. Name of conveying party(ies): Arthur R. Telkamp and Ying Wen Hsu <i>6-11-02</i> Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
2. Name and address of receiving party: Name: <u>Newport Opticom, Inc.</u>					
Internal Address:					
City: _____ State: _____ Zip: _____					
Street Address: <u>4910 Birch Street</u>					
City: <u>Newport Beach</u> State: <u>California</u> Zip: <u>92660</u>					
Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____					
Execution Date: <u>May 8, 2002</u>					
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: A. Patent Application No(s).: <u>10/046,476</u> B. Patent No(s).:					
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>David E. Wang, Esq.</u>			6. Total number of applications and patents involved: <u>One</u>		
Internal Address: LYON & LYON LLP 633 West Fifth Street, Suite 4700 Los Angeles, CA 90071-2066			7. Total fee (37 CFR 3.41): <u>\$ 40.00</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Charge this Deposit Account if any additional fee is required		
8. Deposit Account Number: <u>12-2475</u>					
DO NOT USE THIS SPACE					
9. Statement and signature: To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. <i>David E. Wang</i> David E. Wang, Reg No. 38,358 Date: <u>June 5, 2002</u>					
Total number of pages including cover sheet: <u>Three</u>					
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06/20/2002 670411 00000262 122475 10046416 01 FC-581 40.00 CH					
Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project, (0651-0011), Washington, D.C. 20503					

OC-111413.1

Patent
Attorney Docket: 268/001

ASSIGNMENT OF PATENT APPLICATION

WHEREAS, WE, ARTHUR R. TELKAMP, a citizen of UNITED STATES, and YING WEN HSU, a citizen of UNITED STATES (hereinafter referred to as "ASSIGNORS"), have invented a certain invention entitled 1 X N OR N X 1 OPTICAL SWITCH HAVING A PLURALITY OF MOVABLE LIGHT GUIDING MICROSTRUCTURES for which application for Letters Patent of the United States of America has been filed on October 19, 2001, assigned Serial No. 10/046,416; and

WHEREAS, NEWPORT OPTICOM, INC., a corporation organized and existing under and by virtue of the laws of the Delaware and having its principal place of business at 4910 Birch Street, Newport Beach, California 92660 (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the exclusive right, title and interest in, to and under said invention and in, to and under any Patent or similar legal protection to be obtained therefor in the United States of America, its territorial possessions and in any and all countries foreign thereto.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign, transfer and set over unto the said ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest to said invention and to all Letters Patent or application or similar legal protection, not only in the United States and its territorial possessions, but in all countries foreign thereto to be obtained for said invention by said application, and to any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in the United States or a foreign country for the full term or terms for which the same may be granted, including all priority rights under the International Convention; and ASSIGNORS hereby authorize and request the United States Commissioner of Patents and

Patent
Attorney Docket: 268/001

Trademarks and any officials of foreign countries whose duty it is to issue patents or any legal equivalent thereof to said ASSIGNEE, its successors and assigns, in accordance with this Assignment.

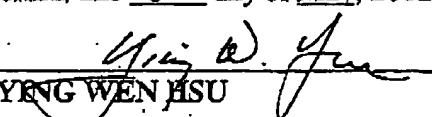
ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Agreement;

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents in the United States or in any foreign country, which may be necessary or desirable to carry out the purposes thereof.

WITNESS my hand at Newport Beach, California, this 8th day of May, 2002.


ARTHUR R. TELKAMP

WITNESS my hand at Newport Beach, California, this 8th day of May, 2002.


YING WEN HSU